

## REMARKS

Claims 1-21 are pending in the application. Claims 10-21 have been withdrawn as a non-elected species. Claims 1-4 and 9 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Milkovich et al. (U.S. Patent No. 3,989,768). Claims 1-9 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by Waack et al. (U.S. Patent No. 3,235,626). The Specification is also objected to. Applicants respectfully traverse these rejections.

### Objections to Specification

The reference to U.S. Patent No. 5,190,547 is deleted from the Specification by the proposed amendment herein. The removal of the reference overcomes the objection.

### 35 U.S.C. § 102(b) Rejections

Claims 1-4 and 9 stand rejected as being anticipated by Milkovich et al. The rejection is maintained from the previous Office Action.

Claim 1 recites "terminal olefin functionalized macromonomers of the formula:  $H_2C=CH-Z-(Q)_y$ -poly." In response to Applicants' previous arguments, the Action alleges that the "the repeat unit chain of poly(alpha-methylstyrene) of Milkovich's macromer is a hydrocarbyl groups derived by incorporation of alkenyl substituted aromatic compound [sic]," which satisfies the variable Q in the formula of Claim 1. *See, Action* at p. 2. However, even if Milkovich et al. describes Q, it does not describe Z, which "is a C3 to C18 linear, branched or cyclic alkylene radical, optionally containing aryl or substituted aryl groups." The macromer illustrated at column 28, lines 20-25 of Milkovich et al. does not include a C3 to C18 linear, branched, or cyclic alkylene radical as recited in Claim 1. Thus, Milkovich et al. does not anticipate Claim 1 because it does not describe each and every element of Claim 1. *See, Verdegaa Bros. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Claims 2-4 and 9 depend from Claim 1 and as such, are not anticipated.

Claims 1-9 also stand rejected under 35 U.S.C. § 102(b) as being anticipated by Waack et al. which describes methods for preparing long chain polymers having a terminal reactive double bond and corresponding essentially to the formula:  $HR_1C=CR_2(X)_n-H$ . *See, Waack et al.* at col. 1, lines 35-40. The Action alleges that the polymers of Waack et al. include repeat unit chains of

butadiene and/or isoprene, which constitute hydrocarbyl groups derived by incorporation of conjugated dienes. Even if this is so, Waack et al. does not appear to teach the 'poly' portion of the polymer formula recited in Claim 1.

Claim 1 recites "terminal olefin functionalized macromonomers of the formula:  $\text{H}_2\text{C}=\text{CH}-\text{Z}-(\text{Q})_y\text{-poly}$ ," where "poly comprises a polymer derived from one or more anionically polymerizable monomers." In the case of Waack et al., the polymers terminate with hydrogen (-H), not a polymer derived from one or more anionically polymerizable monomers. The failure of Waack et al. to describe each and every element of the macromonomers recited in Claim 1 precludes an anticipation rejection of Claim 1. *See, Verdegaal Bros. v. Union Oil Co.*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Claims 2-9 depend from Claim 1. As dependent claims of a non-anticipated independent claim, Claims 2-9 are also not anticipated and should be allowed over the 35 U.S.C. § 102(b) rejection.

In re: Quirk et al.  
Serial No.: 09/812,344  
Filed: March 20, 2001  
Page 9 of 9

### CONCLUSION

The concerns of the Examiner addressed in full, Applicants respectfully request withdrawal of the outstanding rejections and the issuance of a Notice of Allowance forthwith. The Examiner is encouraged to direct any questions regarding the foregoing to the undersigned, who may be reached at (919) 854-1400.

Respectfully submitted,

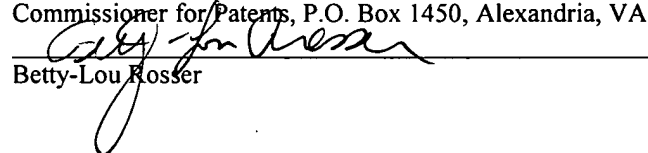


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